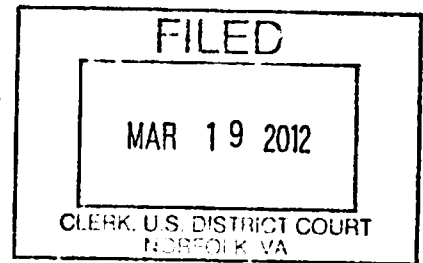


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



ADRIANNE JONES MCCAIN,

Plaintiff,

v.

ACTION NO. 4:11cv69

MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. §§ 1383(C)(3) and 405(g) seeking judicial review of the final decision of the Commissioner of Social Security denying her claim for Disability Insurance Benefits under Title II and Title XVI of the Social Security Act. The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b) of the Rules of the United States District Court for the Eastern District of Virginia, on July 14, 2011, for report and recommendation. Report of the magistrate judge was filed on February 22, 2012, recommending that the decision of the Commissioner be affirmed.

By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court received Plaintiff's Objections to the Report and Recommendation of the Magistrate Judge on March 7,


2012, and Defendant's Response to Plaintiff's Objections to Magistrate Judge's Report and Recommendation was filed on March 15, 2012.

The court, having examined the objections to the Magistrate Judge's Report and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed February 22, 2012. Accordingly, the final decision of the Commissioner is **AFFIRMED**; defendant's Motion for Summary Judgment is **GRANTED**; plaintiff's Motion for Summary Judgment is **DENIED**. Accordingly, the Clerk shall enter judgment for the defendant.

The parties may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 2400 West Avenue, Suite 100, Newport News, Virginia 23607, within sixty (60) days from the date of entry of such judgment.

The Clerk shall forward a copy of this Order to counsel for the parties.

/s/
Rebecca Beach Smith
Chief
United States District Judge



REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

March 19, 2011